

JUDGE RAKOFF

08 CV 4997

RAKOFF, J

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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 ABS BREAKBULK SERVICES GMBH,

Plaintiff,

v.

TOTALMAR NAVIGATION CORP.,

Defendant.

-----X
 USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 5/30/08

08 CV _____ ()

**ORDER FOR
 ISSUANCE OF A
 PROCESS OF MARITIME
ATTACHMENT**

Upon reading the Verified Complaint requesting issuance of Process of Maritime Attachment and Garnishment, and the Affidavit of George E. Murray, Esq. attached thereto, and the Court finding that the conditions for an attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims Admiralty to the Federal Rules of Civil Procedure appear to exist, it is this day, by the United States District Court for the Southern District of New York, hereby

ORDERED that the Clerk shall issue a Process of Maritime Attachment and Garnishment as prayed for in the Verified Complaint; and it is further

ORDERED that the Process of Attachment issued by the Clerk shall be against all property, tangible or intangible, including funds, goods, chattels, credits, effects, debts owned by or owed to the Defendant, TOTALMAR NAVIGATION CORP., or monies to

be paid to discharge a debt owed to the Defendant, including monies being electronically transferred by or to TOTALMAR NAVIGATION CORP. which are in the possession or control of, or being transferred through any garnishee within this District, including, without limitation, property held by or in the possession or control of the following garnishee(s):

1. ABN Amro Bank N.V.
55 East 52nd Street
New York, New York 10055
2. American Express Bank Ltd.
c/o Zeichner Ellman & Krause, LLP
Legal Counsel for Bank of America
575 Lexington Avenue, 10th floor
New York, New York 10022
3. Bank of America, National Association
c/o Zeichner Ellman & Krause, LLP
Legal Counsel for Bank of America, N.A.
575 Lexington Avenue, 10th floor
New York, New York 10022
4. Bank of China
410 Madison Avenue
New York, New York 10017
5. Bank of New York
120 Broadway, 19th Floor
New York, New York
6. Barclays Bank
200 Park Avenue
New York, New York 10166
7. BNP Paribas SA
The Equitable Tower,
787 Seventh Avenue
New York, New York 10019
8. Citibank, N.A.
Legal Service Intake Unit
1 Court Square, 7th Floor
Long Island City, NY 11120

9. Deutsche Bank Trust Company Americas
60 Wall Street
New York, New York 10005
10. HSBC Bank U.S.A., National Association
452 Fifth Avenue
New York, New York
11. JPMorgan Chase Bank, National Association
One Chase Manhattan Plaza
New York, New York 10081
12. Standard Chartered Bank
One Madison Avenue
New York, NY 10010
13. UBS AG
299 Park Avenue
New York, New York, 10017
14. Wachovia Bank, National Association
375 Park Avenue
New York, New York

or any of their affiliates and any other garnishee(s) within this district upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to the amount sued for, *i.e.*, **US\$6,171,231.82**, it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted, and it is further

ORDERED that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment, and it is further

ORDERED that pursuant to Fed. R. Civ. P., Supplemental Rules for Admiralty or Maritime Claims, Rule B(1)(d)(ii)(C), the Writ of Attachment may be served by any

person, who is not less than 18 years old, and who is not a party to this action, and it is further

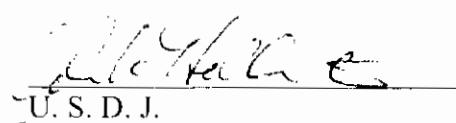
ORDERED that service on any garnishee(s) (i.e. any original garnishee or any garnishee herein) is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service through the opening of the garnishee's business the next business day, and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), that following initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment shall thereafter be made by way of service of a copy of the Process of Maritime Attachment and Garnishment via facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, and it is further

ORDERED that supplemental process enforcing this Order may be issued by the Clerk and served without further Order of the Court.

Dated: New York, New York
May 30, 2008

SO ORDERED:


U. S. D. J.

